

Chapter 5.14

BOWLING CENTERS

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5.14.010 Permit Required.

No person shall engage in the operation of a public bowling center in the city or a teen night event at such public bowling center without first having procured a permit or permits to do so, issued by the City Clerk. Applications for permits shall be made to the City Clerk, who shall issue a permit upon compliance with provisions of this chapter, as evidenced by certificates of compliance with the Police, Health, Fire, and Building and Safety Departments. For purposes of this chapter, a public bowling center shall mean the business of operating, conducting or offering to the public any improved facility as a place to conduct or participate in bowling on one or more officially certified bowling lanes. For purposes of this chapter, officially certified shall mean certified by a nationally recognized certification organization such as the American Bowling Congress, or its successor organization. (Ord. 18423 §2; August 9, 2004: prior Ord. 16951 §32; March 11, 1996: Ord. 15459 §1; March 5, 1990: P.C. §5.16.010: Ord. 10181 §1; June 21, 1971: Ord. 9353 §1; November 27, 1967: Ord. 3489 §4-101; July 6, 1936).

5.14.020 Application for Public Bowling Center Permit; Permit Fee.

Any person proposing to operate a public bowling center shall file with the City Clerk an application in writing accompanied by a permit fee of five dollars.

(a) The application shall be made on forms supplied by the City Clerk and shall contain the following information:

- (1) The name of the applicant;
- (2) The business address of the applicant;
- (3) The business name of the use;
- (4) The organization of the applicant, including the ownership;
- (5) The number of lanes;
- (6) A complete description of the premises to be used;
- (7) Certification information.

(b) The application shall be referred to the following departments for report:

(1) Health Department for determination of compliance with applicable health ordinances;

(2) Fire and Rescue Department for determination of compliance with applicable fire ordinances;

(3) Building and Safety Department for determination of compliance with applicable building and zoning ordinances;

(4) Police Department for determination of fitness of applicant. (Ord. 18423 §3; August 9, 2004; prior Ord. 18170 §17; April 28, 2003: Ord. 16951 §33; March 11, 1996: Ord. 15459 §2; March 5, 1990: P.C. §5.16.040: Ord. 10181 §2; June 21, 1971: Ord. 9353 §2; November 27, 1967: Ord. 3489 §4-104; July 6, 1936).

5.14.022 Teen Night Events; Application; Permit Fee.

A public bowling center permittee under this chapter may submit an application for a teen night permit or permits for a series of teen night events upon the premises permitted under the public bowling center permit to the City Clerk for consideration accompanied by a permit fee of five dollars for each teen night event applied for. If the permittee complies with the requirements under this chapter, the City Clerk may issue the same, and, in addition if the application for a series of teen night events complies with the criteria under this chapter, the City Clerk may issue the same subject to allowing a reasonable amount of time, where possible, after the initial date and each succeeding date in the series thereafter for the Clerk to receive reports as follows:

(a) A report from a peace officer that there is reasonable grounds to believe a violation of the Nebraska Liquor Control Act; a violation of this code related to liquor; or this chapter by the applicant or related to the applicant's liquor license at the same premises occurred or will occur during the time periods covered by the teen night permit if the permit is issued.

(b) A report from a peace officer or the Director of Building and Safety or a representative designated by the director that there is reasonable grounds to believe a violation of any applicable fire code, occupancy code, building code or any other health and safety related code applicable to the applicant or the related premises has occurred or will occur during the time periods covered by the teen night permit if the permit is issued.

Upon receipt of such report the subsequent functions applied for in the series thereafter shall be deemed denied by the City Clerk and the related permit shall be null and void upon issuance of a written notice to the applicant. (Ord. 18423 §4; August 9, 2004).

5.14.030 Permit; Conditions for Issuance.

Any permit issued hereunder applies only to the premises and activities described in the application and in the permit issued thereon, and only one location respectively for the public bowling center and for the separate area reserved for the teen night activities, if any, shall be so described in each permit. Every permittee shall cause the issued public bowling center permit to be framed and hung in plain view in a conspicuous place on the premises. (Ord. 18423 §5; August 9, 2004: prior Ord. 15459 §3; March 5, 1990: P.C. §5.16.050: Ord. 9353 §3; November 27, 1967: Ord. 3489 §4-105; July 6, 1936).

5.14.040 Permit Expiration.

All permits granted under the provisions of Section 5.14.020 shall expire on the thirty-first day of May following the date of their issuance, unless revoked prior thereto as provided in this chapter. All permits granted under the provisions of Section 5.14.022 shall expire as provided on the permit itself, but in any event no longer than one year after the date of issuance. (Ord. 18423 §6; August 9, 2004: prior Ord. 15459 §4; March 5, 1990: P.C. §5.16.055: Ord. 9451 §1; April 8, 1968).

5.14.050 Additional Lanes; Application.

In case a permittee under this chapter desires to operate additional lanes, the permittee shall present an application therefor, showing in addition to the other required information the number of additional lanes desired for operation. An additional permit may be granted for the unexpired portion of the permit year for the operation of the additional lanes upon the payment of the required fees and taxes. (Ord. 18423 §7; August 9, 2004: prior Ord. 15459 §5; March 5, 1990: P.C. §5.16.060: Ord. 10181 §3; June 21, 1971: Ord. 9353 §4; November 27, 1967: Ord. 3489 §4-106; July 6, 1936).

5.14.060 Occupation Tax.

Before any public bowling center permit shall be issued, the applicant shall pay to the city an occupation tax of five dollars for each land to be used for a public bowling center. (Ord. 18423 §8; August 9, 2004: prior Ord. 15459 §6; March 5, 1990: P.C. §5.16.080: Ord. 10181 §4; June 21, 1971: Ord. 9353 §5; November 27, 1967: Ord. 3489 §4-108; July 6, 1936).

5.14.070 Revocation.

It shall be a condition of any permit issued under this chapter that it may be revoked at any time by the city upon reasonable grounds to believe that a permittee has committed or allowed a violation of the statutes of the State of Nebraska or any of the provisions of this chapter or ordinances of the city related to the permit, the permitted premises, or activities authorized by any permit. (Ord. 18423 §9; August 9, 2004: prior Ord. 15459 §7; March 5, 1990: P.C. §5.16.090: Ord. 9353 §6; November 27, 1967: Ord. 3489 §4-109; July 6, 1936).

5.14.080 Only Games Designated in Application to be Played.

No other games than those designated in the application for such permit shall be played in any public bowling center, except games or amusement devices properly permitted under this code or Nebraska law. (Ord. 18423 §10; August 9, 2004: prior Ord. 15459 §8; March 5, 1990: P.C. §5.16.100: Ord. 10181 §5; June 21, 1971: Ord. 3489 §4-110; July 6, 1936).

5.14.090 Permit Not Transferable.

No permit shall be transferable by sale, assignment, or in any other manner. (Ord. 15459 §9; March 5, 1990; P.C. §5.16.110; Ord. 9353 §7; November 27, 1967; Ord. 3489 §4-111; July 6, 1936).

5.14.100 Teen Night Events; Requirements.

(a) No teen night event permit shall be issued to any applicant unless the building complies in all respects with the provisions of this chapter, the ordinances of the city, all health and fire regulations of the city, and laws of the State of Nebraska.

(b) No teen night shall be conducted in any portion of any liquor licensed premises unless the premises in which alcoholic beverages are being dispensed are physically separated by floor-to-ceiling partition walls and distinct from the remainder of the licensed premises and no alcoholic beverages are stored, dispensed or permitted to enter or remain within the separate area reserved for the teen night activities for the entire duration of the teen night as stated in the permit.

(c) Any duly authorized city police officer or inspector shall be permitted to enter any separate area reserved for the teen night activities for the purpose of inspecting any activities conducted therein. (Ord. 18423 §11; August 9, 2004).

5.14.110 Teen Night Events; Use of Tobacco and Alcoholic Liquor; Prohibited.

Admission to a teen night event shall be denied to any person showing evidence of drinking any alcoholic liquor or who has any alcoholic liquor on their person. The sale and use of cigarettes and tobacco products shall be prohibited at all times within the separate area reserved under the permit for teen night activities. (Ord. 18423 §12; August 9, 2004).

5.14.120 Teen Night Events; Participation of Adults Prohibited.

A person twenty-one years of age or over shall not enter, frequent, or remain at or within the separate area reserved under the permit for teen night activities during any permitted teen night event. This does not prohibit the attendance of the permittee and the permittee's manager or other persons twenty-one years of age or older under the direct supervision and control of the permittee or manager, duly authorized city officers, or parents, grandparents, or legal guardians of any of the teens in attendance. It shall be prima facie evidence that a teen was in attendance at the teen night event if the name of the teen appears in the roster for that particular event. (Ord. 18423 §13; August 9, 2004).

5.14.130 Teen Night Events; Closing Hours.

No teen night event shall be permitted to operate between the hours of 12:00 midnight to 8:00 a.m.; provided, however, that the City Council may waive this requirement upon the written request of the applicant for good cause shown in support of the request as determined by the City Council. (Ord. 18423 §14; August 9, 2004).

5.14.140 Teen Night Events; Minimum Age.

No person under thirteen years of age shall be permitted to enter, frequent, or remain in any teen night event or within the separate area reserved under the permit for teen night events. (Ord. 18423 §15; August 9, 2004).

5.14.150 Teen Night Events; Falsifying Age.

It is unlawful for any person to falsely represent the age of any person for the purpose of allowing such person to enter, frequent, or remain at any teen night event or to gain entry to the separate area reserved under the permit for teen night events. (Ord. 18423 §16; August 9, 2004).

5.14.160 Teen Night Events; Use of Facilities Limited.

It shall be unlawful for any permittee to allow any person to enter, frequent, or remain on or within the separate area reserved under the permit for teen night events other than a person of the proper age who has timely and accurately completed the sign in roster, except as otherwise permitted under this chapter. (Ord. 18423 §17; August 9, 2004).

5.14.170 Teen Night Events; Roster.

As an incident to the operation of a teen night event, an accurate and current written sign in roster of each and every participating teen must be maintained within the separate area reserved under the permit for teen night events at all times during the teen night event activities and thereafter retained by the permittee for a period of one year. (Ord. 18423 §18; August 9, 2004).

5.14.180 Teen Night Events; Liability Insurance.

Before a teen night event permit is granted, any person operating any permitted teen night shall file a certificate of liability insurance coverage as provided in Chapter 5.58 applicable to the times and places in the application, and specifically showing that teen night events are not excluded from general liability or are specifically included by endorsement, rider or otherwise. The certificate of insurance coverage shall be timely filed with the City Clerk, and shall be subject to the prior review and approval of the City Attorney for conformance with the requirements of this section. (Ord. 18423 §19; August 9, 2004).

5.14.190 Teen Night Events; Violations.

Except as specifically provided in Section 5.04.020, the issuance of a teen night event permit shall not be deemed to permit any violation of law by any permittee or the owners, operators, manager or members thereof. (Ord. 18423 §20; August 9, 2004).

5.14.200 Teen Night Events; Penalty.

Any person upon whom a duty is placed by the provisions of this ordinance relating to teen night events who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not to exceed \$100.00, recoverable with costs, or both. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The Mayor may suspend or revoke any permit issued hereunder upon proof submitted to the Mayor of reasonable ground to believe any violation of the provisions of this chapter by any teen night event permittee or the owners, managers, operators, employees, of the permittee. (Ord. 18423 21; August 9, 2004).